

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES CARL KELLY,

Petitioner,

v.

JEFF LYNCH,

Respondent.

Case No. [23-cv-01237-EMC](#)


DISMISSAL

The above-captioned action was transferred to this Court on February 14, 2023, pursuant to an order from the Ninth Circuit. Docket. No. 1. On March 17, 2023, the Clerk told Petitioner that he needed to file a petition on the Court's form, and that he had 28 days to do so, or the action would be dismissed. Docket No. 2. That same day, the Clerk told Petitioner that he needed either to pay the filing fee for this action or to file a completed and signed Court-approved *in forma pauperis* application. Docket No. 3. Petitioner was advised that failure comply with either requirement within 28 days would result in dismissal of the action. *See* Docket Nos. 2-3.

Petitioner has neither filed a petition, nor has he paid the filing fee or filed an *in forma pauperis* application. The deadline by which to do so has long since passed. The action is therefore DISMISSED without prejudice. The Clerk of the Court shall close the file.

IT IS SO ORDERED.

Dated: October 25, 2023


EDWARD M. CHEN
United States District Judge